

UNDERSTANDING EMERGENCY ADMISSIONS AND ORDERS TO APPREHEND

Sarah Harris, Judge Probate Court Bibb County



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How is Mental Illness defined?

- Mental illness— having a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or the ability to cope with the ordinary demands of life —(May require inpatient or outpatient treatment). (O.C.G.A. § 37-1-1(12))



How is alcoholic defined?

- A person who habitually lacks self-control as to the use of alcoholic beverages or who uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted.



How is drug dependent individual or drug abuser defined.

- A person who habitually lacks self-control as to the use of certain drugs, controlled substances or dangerous drugs set forth in Title 7, Chapter 7 Article 1 of the Official Code of Georgia, to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted



EMERGENCY ADMISSIONS :

- PHYSICIAN'S CERTIFICATE – 1013 FORM
WITHIN 48 HOURS OF OBSERVATION
PEACE OFFICER/DEPUTY 72 HOURS TO TAKE
INTO CUSTODY AND DELIVER TO ERF



- COURT ORDER – ORDER TO APPREHEND
2 AFFIDAVITS
AFFIANTS HAVE SEEN THE PERSON IN LAST 48 HOURS
PEACE OFFICER/DEPUTY TAKES INTO CUSTODY, ORDER VALID
7 DAYS FROM DATE EXECUTED



- PEACE OFFICER/DEPUTY MAY TAKE PERSON TO ERF OR PHYSICIAN/PSYCHOLOGIST IF:
 1. THE PERSON IS COMMITTING A PENAL OFFENSE
 - AND
 2. THE PO HAS PROBABLE CAUSE TO BELIEVE THE PERSON IS A MENTALLY ILL PERSON OR ADDICT, DRUG DEPENDENT, DRUG ABUSER REQUIRING INVOLUNTARY TREATMENT



What is an Order to Apprehend?

- An Order issued by the Probate Judge:
 1. Directed to the Sheriff of the County -
 2. To take an individual into custody and deliver them -
 3. To the nearest available Emergency Receiving facility -
 4. To receive an examination.



Procedural Requirements for an OTA

- Issue based upon unexpired 1013 or 2013 OR
- Affidavits of TWO persons who have:
 - [..\Documents\1013 form.pdf](#)
 1. SEEN the person within the last 48 Hours
 2. Observed behavior within the last 48 Hours that demonstrates a reason to believe the person is mentally ill, Addict, Drug dependent, or Drug abuser and requires involuntary treatment.

[..\Documents\Mental Affidavit.docx](#)

[..\Documents\OTA Transport to Emg Facility.docx](#)



What is the criteria for Involuntary Treatment?

Inpatient – may be for mental illness/alcoholic/drug dependent/abuser:

- i. for a person who presents a substantial risk of imminent harm to themselves or others, as manifested by either recent overt acts or recent expressed threats of violence which present a probability of physical injury to himself or other persons, or
- ii. A person who is so unable to care for their own physical health and safety as to create an imminently life-endangering crisis.
(O.C.G.A. § 37-3-1(9.1))



Outpatient -- may be for mental illness/alcoholic/drug dependent/abuser:

- i. A person who, based on the person's treatment history or current mental status, will require outpatient treatment in order to avoid predictably and imminently becoming an inpatient
- ii. A person who, because of the person's mental status, mental history, or nature of the person's mental illness is unable to voluntarily seek or comply with outpatient treatment.
 - O.C.G.A. § 37-3-1(12.2)



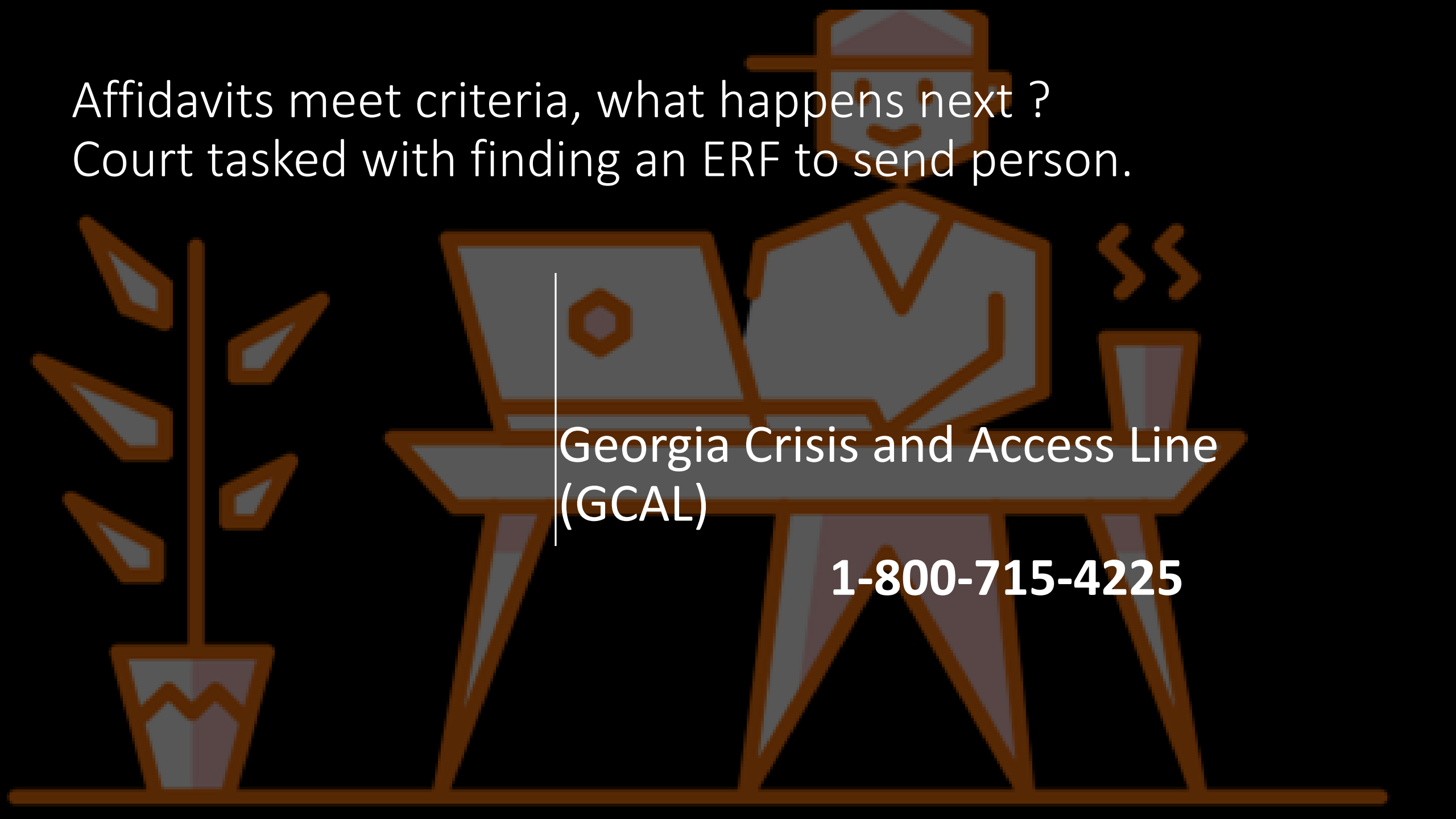
What is the Court looking for?

Current Behavior

1. How is the person acting – withdrawn, failure to eat, imagining people are trying to hurt him or tell him to do things (hallucinations)
2. What type of behavior is he exhibiting – anger, violence, aggression, threatening
3. Is the person posting current disturbing social media posts
4. Is the person suicidal, do they have a history of attempts
5. Is person exhibiting active psychosis/disorganized thinking
6. Unable to care for self
7. Active withdrawal – drugs/alcohol



Affidavits meet criteria, what happens next ?
Court tasked with finding an ERF to send person.

A stylized illustration in a flat, geometric style. A person wearing a hat and a suit is seated at a desk, working on a laptop. To the left of the person is a potted plant with several pointed leaves. The background is a solid dark color. The text 'Georgia Crisis and Access Line (GCAL)' is overlaid on the image, with a vertical line separating it from the phone number.

Georgia Crisis and Access Line
(GCAL)

1-800-715-4225

Be Prepared:

- Announce: “ I am Sarah Harris and I am calling from the Probate Court of Bibb County”
- Have as much information about the person as possible
- Inform GCAL if the person has been in the MH system
- Be patient, you will be put on hold...for a long time
- Have the two parties available to answer any questions



Alternatives to GCAL

- Emergency Receiving Facilities – send direct
- State Hospitals – call first
- Crisis Stabilization Units



FRUSTRATED AND NEED HELP

- **DBHDD IS THE STATE AGENCY THAT COORDINATES MENTAL HEALTH CRISIS SERVICES**
- **KNOW YOUR REGION**
- **KNOW YOUR BEHAVIORAL HEALTH SERVICES ADMINISTRATOR**
- **ALWAYS EXPLAIN TO THE FAMILIES THE LIMITATIONS OF AN OTA**
- **THE PROBATE COURT CAN NOT GUARANTEE TREATMENT, WE ONLY SEND FOR EVALUATION**
- **UNDERSTAND THAT EVERY COUNTY/REGION DIFFERS IN HOW AND WHAT THEY TREAT**





NO!

**IS AN OTA REPORTED TO
GCIC ?**

**An OTA is NOT a Court
Ordered Involuntary
Commitment**

PHASES OF CIVIL COMMITMENT

- EXAMINATION – Takes place in an Emergency Receiving Facility (“ERF”) after emergency admission
 1. SHALL TAKE PLACE WITHIN 48 HOURS AND MAY INCLUDE EMERGENCY TREATMENT
 2. PATIENT MUST BE DISCHARGED WITHIN 48 HOURS UNLESS
 3. EXAMINER CONCLUDES REASON TO BELIEVE PERSON REQUIRES INVOLUNTARY TREATMENT AND
 4. EXAMINER EXECUTES A 1014 OR 2014 FORM



EVALUATION – 1014/2014

- Takes place at an evaluating facility
- Patient may be detained for a period not to exceed 5 days
(Saturdays, Sundays and holidays excluded)
- Can be discharged if found does not required involuntary treatment
- Or meets requirements for outpatient treatment
(procedure differs for patients admitted under criminal charges)
- [..\Documents\Blank 1014 and 1021.pdf](#)



TREATMENT

Petition for involuntary treatment



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WHEN AN OTA IS NOT THE SOLUTION

- ENCOURAGE FAMILIES TO CONTACT NAMI “NATIONAL ALLIANCE FOR MENTALLY ILL” --- SUPPORT GROUPS
- GUARDIANSHIPS OF WARDS WITH MENTAL ILLNESS
 - ▶ Guardians CAN NOT consent to involuntary psychiatric treatment over the Ward’s objection
 - ▶ Guardianship does not always help with HIPPA issues and medical decisions.



ODDS AND ENDS NOT COVERED AND OTHER OPTIONS NOT OFTEN USED

- Evaluations by Court Order
- ANY person can file a application with the community mental health center for a court ordered evaluation of a person within that county believed to be a mentally ill person requiring involuntary
 - Requires investigation by mental health center for probable cause
 - IF probable cause found mental health center shall file petition with Court for involuntary admission for evaluation



- ANY person may file a Petition with the court alleging that a person is believed to be a mentally ill person requiring involuntary
 - Must be under oath
 - Must have certificate from a physician or psychologist that they have examined patient within preceding 5 days



HOW DOES THE COURT KNOW THE FINAL DISPOSITION OF SOMEONE TAKEN FOR EXAMINATION UNDER AN OTA?

Although O.C.G.A 37-3-43 and 37-7-43 REQUIRE that the Court issuing the OTA receive notice of any proposed discharge; however, this is a largely ignored or overlooked by the ERF.



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